

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

GREGORY K. BIGHAM,
Institutional ID No. 219910

Plaintiff,

v.

No. 5:23-CV-00089-H

LUBBOCK COUNTY JAIL, *et al.*,

Defendants.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The District Court made an independent examination of the record and reviewed the Magistrate Judge's report for plain error. Finding none, the Court accepts and adopts the findings, conclusions, and recommendation of the United States Magistrate.

The Court therefore grants Defendants' Motion for Summary Judgment on exhaustion grounds and dismisses the remaining claims against Defendants Christian Hernandez, N. Joshua Acevedo, and Joey Andrist with prejudice for failure to exhaust.


Additionally, the Court notes that the Magistrate Judge entered orders dismissing some of Plaintiff's claims after the Defendants were served and had appeared. *See* Dkt. Nos. 25, 26. No objections were filed by any party. But it does not appear that the Defendants have expressly consented to proceed before the Magistrate Judge in accordance with 28 U.S.C. § 636(c). *See* Dkt. No. 11. So, the Court finds that the orders of dismissal should be construed as recommendations that the Court dismiss with prejudice Plaintiff's claims against Defendants Lubbock County Jail and Lubbock Detention Facility, and his official-capacity claims against

Defendants Christian Hernandez, N. Joshua Acevedo, and Joey Andrist, and the Court expressly accepts and adopts the recommendations.

The Court will enter judgment accordingly.

So ordered.

Dated June 5, 2024.



JAMES WESLEY HENDRIX
United States District Judge